

## **Remarks**

Applicant respectfully requests reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below.

### **Office Action Summary**

1. Claims 13-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPA 2006/0164230 to DeWind.

2. Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the DeWind reference in view of USPN 5,825,345 to Takahama.

### **Rejections Under 35 U.S.C. § 102**

Claims 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the DeWind reference. Claim 13 has been amended to depend from claim 20. The rejection to claim 13 under 35 U.S.C. § 102(e) is addressed herein as if it were applied to independent claim 20. Independent claim 20 relates to a touch screen control system comprising a touch screen having first and second conductive layers arranged to be brought together by touching of the screen. A detection system is arranged to detect the contact position at which the screen is touched by monitoring electrical signals from at least one of the layers.

In order to properly reject independent claim 20 under 35 U.S.C. § 102(e), the DeWind reference must particularly disclose each limitation recited therein, including the limitations directed towards first and second conductive layers arranged to be brought together by touching and a detection system arranged to detect the contact position at which the screen is touched by monitoring electrical signals from at least one of the first and second conductive layers. While the DeWind reference uses the term touch sensor, the DeWind reference uses the term in the sense of touchless sensors that rely on touchless operations to detect presence of an

object, such as through capacitive and electric field variances. The claimed invention requires the first and second conductive layers be brought together with touching and the contact position to be determined as a function of signals generated in response thereto. As such the claimed invention requires a physical movement of two conducting layers such that the layer be brought together, i.e., physically moved from a non-contacting position.

The DeWind reference fails to disclose a touch sensor that actually requires physically moving two electrically conductive layers so that they are brought together. Consequently, the DeWind reference fails to particularly disclose each limitation of the claimed invention as required to set forth a proper rejection under 35 U.S.C. § 102(e).

The Examiner has asserted paragraphs 130 and 237 of the DeWind reference in an attempt to demonstrate the particular disclose of the present invention with respect to the claimed touch screen. Portions of those paragraphs are reproduced below.

[130] Optionally, and as shown in FIG. 15, the frame 72b around the display screen panel 60 may include user interface inputs 76, such as buttons, switches, **touch sensors**, proximity sensors and/or the like, to provide a user input at the display when the display screen is extended or at least partially extended. The inputs may function to control or adjust the display screen, such as brightness, contrast or other appearance or characteristics of the displayed image, or may cause full extension or retraction of the display screen, or may control or adjust other accessories or features of the mirror assembly and/or vehicle.... (emphasis added)

[237] Also, although described as **capacitive or electric field disturbance sensors** that are actuatable by the user touching or approaching the plastic mirror portion or the reflective element or other mirror portion or module portion at the region corresponding to the touch sensor, it is envisioned that the proximity sensors or elements may comprise **other touchless sensors or elements**, such as antennae or antenna segments or the like that detect the presence of a person's finger at or near the region corresponding to the antenna segments... (emphasis added)

Neither one of the paragraphs cited by the Examiner particularly disclose the use of a touch screen of the type where first and second conductive layers arranged to be brought together by touching of the screen, let alone a detection system arranged to detect a contact position at which the screen is touched by monitoring electrical signals from at least one of the first and second conducting layers. The term "touch sensors" used in both of the cited paragraphs are limited to those associated with capacitive or electric field disturbance sensors which operate without the need to bring two conductive layers together.

The Examiner's attention is drawn to paragraph 237 where it is stated that "although described as capacitive or electric field disturbance sensor. . . it is envisioned that the proximity sensors or elements may comprise other touchless sensors or elements". This statement clearly demonstrates that the touch sensors disclosed by the DeWind reference are only touchless type sensors and not sensors that rely on first and second conductive layers being brought together by touching. The Examiner is invited to more particularly point out the portions of the DeWind reference that particularly disclose the noted claim limitations as Applicant is unable to locate those limitations in the cited paragraphs.

### **Rejection Under 35 U.S.C. § 103**

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the DeWind and Takahama references. Applicant submits that these claims are patentable at least for the same reasons as the independent claims from which they depend are patentable over the cited references.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

**Richard Dean Parkinson**

By /John R. Buser/  
John R. Buser  
Reg. No. 51,517  
Attorney/Agent for Applicant

Date: 02/12/2010

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351